UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,213	09/22/2000	Ynjiun P. Wang	A-68940-5/DCA	9838

7590	11/17/2006	**EXAMINER**

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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *23 August 2006*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-4,7-11,13-16 and 18-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 7-11, 13-16, and 18-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to applicant's amendment filed August 23,

2006. Claims 2 and 3 have been amended. Claims 5, 6, 12, and 17 have been

canceled. Claim 28 has been newly added. Claims 1-4, 7-11, 13-16, and 18-28 are

currently pending in this case.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August

23, 2006 has been entered.

Response to Arguments

3.   Applicant's arguments with respect to claims 1-4, 7-11, 13-16, and 18-28, as

currently amended have been considered but are moot in view of the new ground(s) of

rejection.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-4, 7-11,13-16 and 18-28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ginter et al (5,892,900).

6. Regarding claim 1 –

Ginter discloses a method for pushing a transaction request from an remote electronic

transaction system running the xAgent to a portable electronic authorization device

carried by a user for an electronic confirmation, comprising steps of: pushing a

transaction request from the xAgent running at the remote electronic transaction system

triggered by a pre-determined event; receiving at the portable electronic authorization

device first digital data representing the transaction request; providing information to the

user regarding an ability to approve or modify the transaction request performing

approval and encryption of the transaction request within the PEAD; and when the

transaction request is approved by the user, receiving at the electronic transaction

system second digital data representing the electronic confirmation of the transaction

requests; and wherein the receiving step is performed via a wireless communication

port associated with the portable electronic authorization device (e.g. col 1 ln 40 – col 2

ln 55, col 254, ln 21-31)).

7. Ginter does not specifically discloses an xAgent, but does disclose a number of

different agents, it stands to reason that many different agents could perform as in

Ginter's disclosure.

8. Regarding claims 2-4 and 27 –

Ginter discloses the method of claim 1, wherein the pre-determined event is at least one

of the stock price rises above a pre-determined percentage and the stock price falls

below a pre-determined percentage; wherein the pre-determined event is the auction

bidding price rises above user-defined price; wherein the pre-determined event is upon

received a delivery, based on user identity performed entirely within the PEAD. (e.g. col

2 ln 20-55).

9.   Regarding claim 7 –

Ginter discloses a portable electronic authorization device for approving a transaction

request from a point-of-sale system, comprising a transceiver in the portable electronic

authorization device configured to receive first digital data representing the transaction

request; a display configured to provide information to the user regarding an ability to

approve or modify the transaction request, a scanner configured to scan at least one of

bar-code or OCR information; and a downloadable transaction program to enable the

portable electronic authorization device to perform a transaction; wherein the

transceiver is further configured such that when the transaction request is approved by

the user, the transceiver is configured to transmit second digital data representing the

electronic confirmation of the transaction request the means for performing the approval

and encrypting the transaction approval being included within the PEAD (e.g. col 1 ln 40

– col 2 ln 55).

10.   Ginter does not specifically disclose this configuration of portable device, but it

stands to reason that any number of portable devices would serve to perform as in

Ginter.

11.   Regarding claims 8-11 –

Ginter discloses the portable electronic authorization device of claim 7, wherein: the

scanner is configured to scan in barcode information to establish the communications

link between the portable electronic authorization device and a Point-of-Sale terminal;

wherein the scanner is at least one of a barcode or an OCR scanner; wherein the

transceiver is at least one of an infrared, a Bluetooth or a wireless receiver; wherein the

scanner is configured to scan in barcode product information for self-checkout . (e.g. col

2 ln 20-55).

12.   Regarding claim 13 –

Ginter discloses a method for xAgent automatic ordering from a remote merchant server

using a portable electronic authorization device carried by a user, comprising the steps

of entering product information at the portable electronic authorization device;

accumulating the product information by tan xAgent running on the portable electronic

authorization device; triggering xAgent automatic ordering upon user pre-defined event;

receiving at the portable electronic authorization device a first digital data representing

the transaction request; providing information to the user regarding an ability to approve

the transaction request; when the transaction request is approved by the user,

encrypting transaction approval data as second digital data representing approval by

the user to purchase the item performing the approval and encryption of the transaction

approval within the PEAD; and transmitting the second digital data to the electronic

transaction system to approve the transaction request with the electronic transaction

system (e.g. col 1 ln 40 – col 2 ln 55, col 254, ln 21-31, fig. 71).

13.   As above, Ginter does not specifically discloses an xAgent, but does disclose a

number of different agents, it stands to reason that many different agents could perform

as in Ginter's disclosure.

14.   Regarding claim 14-16 –

Ginter discloses the method of claim 13, wherein the user pre-defined event can be at

least one of a total order exceeding a pre-defined amount of dollars, an end of a week

occurring wherein the xAgent places orders accumulated during the week, and a

bargaining price set by the user being found; wherein the step of entering the product

information includes using the keypad of the portable electronic authorization device to

enter at least one of a product code, product name, manufacturing number, and

quantity; wherein the step of entering the product information includes using a scanner

in the portable electronic authorization device to scan at least one of a product code,

product name, manufacturing number, and quantity (e.g. col 2 ln 20-55).

15.   Regarding claim 18 –

Ginter discloses a method for self-checkout between an electronic point of sale

transaction system and a portable electronic authorization device carried by a user,

comprising the steps of: entering product information at the portable electronic

authorization device; establishing communication link between the electronic point of

sale transaction terminal and the portable electronic authorization device; entering

product information at the portable electronic authorization device; establishing

communication link between the electronic point of sale transaction terminal and the

portable electronic authorization device; receiving at the portable electronic

authorization device a first digital data representing the transaction request; providing

information to the user regarding an ability to approve the transaction request; when the

transaction request is approved by the user, encrypting transaction approval data as

second digital data representing approval by the user to purchase the item; and

transmitting the second digital data to the electronic transaction system to approve the

transaction request with the electronic transaction system performing the approval and

encryption of the transaction approval within the PEAD; and printing a receipt at a

remote printer (e.g. col 1 ln 40 – col 2 ln 55, fig. 71).

16.   Ginter does not specifically disclose this configuration of portable device, but it

stands to reason that any number of portable devices would serve to perform as in

Ginter.

17.   Regarding claims 19-26, 28 –

Ginter discloses the method of claim 18, wherein: the step of encrypting the approval

data is performed using a public key cryptography technique using at least a user's

private key; wherein: the step of entering the product information includes using a

keypad of the portable electronic authorization device to enter at least one of a product

code, product name, manufacturing number, and quantity; wherein the step of entering

the product information includes using a scanner of the portable electronic authorization

device to scan at least one of a product code, product name, manufacturing number,

and quantity; wherein the step of printing the receipt step includes establishing a

connection between the portable electronic authorization device and the printer;

wherein the step of establishing a connection between the portable electronic

authorization device and the printer is performed by entering printer identification

information into the portable electronic authorization device; wherein the step of

establishing a connection between the portable electronic authorization device and the

printer is performed by entering subscriber identification information into the printer;

wherein the step of establishing a connection between the portable electronic

authorization device and the printer is via infrared; wherein the step of establishing a

connection between the portable electronic authorization device and the printer is via

short range RF (e.g. col 2 ln 20-55).

18.   Examiner's note: Examiner has cited particular columns and line numbers in

the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may be applied as well. It is respectfully requested from the applicant, in preparing the

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention as well as the context of the passage as taught by the prior art

or disclosed by the examiner.

Conclusion

19.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Cristina Owen Sherr whose telephone number is 571-

272-6711. The examiner can normally be reached on 8:30-5:00 Monday through

Friday.

20.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew J. Fischer can be reached on 571-272-6779. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

21.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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